



United States Department of Justice

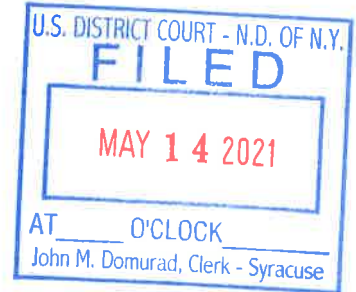
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May 14, 2021

Hon. Andrew T. Baxter
U.S. Magistrate Judge
Federal Building and U.S. Courthouse
P.O. Box 7396
Syracuse, New York 13261-7396



Re: *United States and State of New York ex rel. Dr. Helene Bernstein, MD, PhD*
v. Dr. Robert Silverman, et al, No. 5:20-CV-630 (MAD/ATB):
Request for Partial Seal Lift
(filed *ex parte* and under seal)

Dear Magistrate Judge Baxter:

The United States -- at the request of the relator, Dr. Helene Bernstein -- respectfully requests entry of an order partially lifting the seal to permit the relator to disclose the existence of and allegations in this action to the New York State Department of Health, Office of Professional Medical Conduct (OPMC) and to counsel representing the relator before OPMC.

According to the relator, OPMC has recently advised her that they are investigating allegations made against her regarding patient care and that she had improperly accessed data while employed at Upstate Hospital. They believe that the allegations against her may have come from Dr. Robert Silverman, a defendant in this sealed *qui tam*, based upon the similarity of the substance and language in the OPMC complaint to a prior complaint that he filed against the relator with Upstate Hospital. Of note, one of the claims made by relator in the sealed action is that Dr. Bernstein has, in the past, retaliated against her for alerting hospital management about his alleged misconduct. More importantly, the allegations before OPMC could potentially affect her licensure status. Given this, the relator and her attorney in the *qui tam* believe that the OPMC should have full information about the potential motivations of the complainant when evaluating those allegations. Accordingly, we do not oppose the relator's request for a partial lifting of the seal to allow the relator to disclose the existence of and allegations in the *qui tam* complaint to the OPMC, as well as to counsel representing relator in the OPMC investigation.

Very truly yours,

ANTOINETTE T. BACON
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By:

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